

**Subject:** SB 34 Compliance

**From:** "Villa, Tyson@FTB" <Tyson.Villa@ftb.ca.gov>

**Date:** 8/30/17, 9:28 AM

**To:** "dm@eff.org" <dm@eff.org>

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Mr. Maass,

I am responding to your email, received 08.09.17 under the Public Records Act, Government Code Section 6250, *et seq.*

The Automated License Plate Reader (ALPR) is used by our Criminal Investigation Bureau (CIB). CIB began using the data in October 2016. CIB is in the process of creating a policy, based on a template developed by \*[Lexipol](#), that complies with SB 34.

Currently, FTB has a [Privacy Policy](#) in place and eight principles we adopted from the California Information Practices Act called the [Information Privacy Principles for Individuals](#). In addition, we adhere to the requirements ...to notify individuals when we collect personal information by providing a privacy notice. As a courtesy, we are providing the attached initial draft related to the SB 34 policy. Please note this is an initial draft with a fair amount of work remaining prior to publication.

Since the policy has to go through department review, I am unable to provide a date at this time when the policy will be implemented.

Please let me know if you have any questions.

Thank you,

Tyson Villa

Senior Disclosure Specialist

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Privacy, Security, and Disclosure Bureau

California Franchise Tax Board

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\* Lexipol is a provider of defensible policies and training for public safety organizations, delivering services through web-based development system. Lexipol offers state-specific policy manuals, regular policy updates and daily scenario based training against policy.

**From:** Dave Maass [<mailto:dm@eff.org>]

**Sent:** Thursday, July 27, 2017 4:34 PM

**To:** Cleek, Cathy@FTB <[Cathy.Cleek@ftb.ca.gov](mailto:Cathy.Cleek@ftb.ca.gov)>; Martinez, Mayela@FTB <[Mayela.Martinez@ftb.ca.gov](mailto:Mayela.Martinez@ftb.ca.gov)>

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Hello,

My name is Dave Maass, and I am a researcher at the Electronic Frontier Foundation. We are a nonprofit that specializes in defending civil liberties in the digital world, and my role is looking at how government use surveillance technologies.

As you may or may not know, in 2015 the California Legislature passed SB-34 which requires any agency that uses license plate reader data to create a privacy/usage policy and post it prominently on its website.

Link: [https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill\\_id=201520160SB34](https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160SB34)

In recent weeks, we have filed multiple California Public Records Act request with law enforcement agencies around the state for the list of agencies with which they share license plate reader data. In at least five instances so far, the

California Tax Franchise Board appears on these lists as receiving this data.

As an agency that accesses ALPR data, to comply with SB 34 CFTB should have a policy online. So far, I have been unable to locate one.

Here are several examples of data sharing reports that list CFTB:

**Montebello PD:** <https://assets.documentcloud.org/documents/3901407/Montebello-Police-Department-Data-Sharing-Report.pdf>

**San Diego PD:** <https://assets.documentcloud.org/documents/3900401/San-Diego-Police-Department-Data-Sharing-Report.pdf>

**Glendora PD:** <https://assets.documentcloud.org/documents/3894484/Glendora-PRR-17-91-Electronic-Frontier.pdf>

**Sacramento PD:** <https://assets.documentcloud.org/documents/3870800/Sacramento-PD-Data-Sharing-Report-010112-051917.pdf>

**Hawthorne PD:** <https://assets.documentcloud.org/documents/3726592/LEARN-Agency-Data-Sharing.pdf>

I am hoping that you will be able to provide me a copy with CFTB's SB 34 policy or otherwise provide an explanation as to why one does not exist on CFTB's website.

I can be reached at 415-436-9333 x151 or by email at [dm@eff.org](mailto:dm@eff.org).

Thank you,

Dave Maass

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Dave Maass

Investigative Researcher

Electronic Frontier Foundation

415-436-9333 x 151

[dm@eff.org](mailto:dm@eff.org)

— Attachments: —

Automated\_License\_Plate\_Readers\_Draft.pdf

33.8 KB